

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Jimmy Dodd, #280943,	)	
	)	
Petitioner,	)	
	)	Civil Action No.:9:07-193
vs.	)	
	)	
Robert M. Stevenson, Warden,	)	
	)	
Respondent.	)	
_____	)	

**ORDER**

On January 22, 2007, the petitioner, Jimmy Dodd, (“petitioner”) filed the instant *pro se* petition pursuant to 28 U.S.C. § 2254. (Doc.#1). The petitioner is serving a life sentence for armed robbery. This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge George C. Kosko, to whom this case had previously been assigned. (Doc. #11). In the Report, Magistrate Judge Kosko recommends that the District Court dismiss the petition *without prejudice* and without issuance and service of process upon the respondent because the petitioner has not exhausted his state remedies. (Doc. #11). The plaintiff filed no objections to the Report.<sup>1</sup>

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. §

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<sup>1</sup>Objections were due on March 26, 2007. The petitioner filed a motion seeking to extend the time for filing objections on March 30, 2007. (Doc. #12). The petitioner did not file objections to the Report, but instead filed another motion to extend the time to file objections on August 31, 2007, seeking an additional 60 days. (Doc. #16). The extension sought has now passed, and the petitioner has not filed objections to the Report.

636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4<sup>th</sup> Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. While the Court notes that the approach taken by the Magistrate Judge is a viable approach, this Court remands the matter to the Magistrate Judge for issuance and service of process upon the respondent.<sup>2</sup>

**IT IS SO ORDERED.**

S/Terry L. Wooten

Terry L. Wooten  
United States District Judge

March 17, 2008  
Florence, South Carolina

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<sup>2</sup>The Court deems the motions for an extension of time to file objections (Documents #12 and #16) **MOOT**.